

July 27, 2005

Date of Deposit

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By:

Linda H. Matsumi

# PATENT

Customer No. 22,852

Attorney Docket No. 04853.0081-01000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Atsuo ITO et al.

Application No.: 10/802,429

Filed: March 15, 2004

For: SUSPENSION OR PARTICLE-SOLVENT MIXTURE SYSTEM OF ZINC-CONTAINING CALCIUM PHOSPHATE MICROPARTICLES AND THERAPEUTIC AGENT FOR TREATING ZINC DEFICIENCY

Group Art Unit: 1616

Examiner: Frank I. Choi

Confirmation No.: 3532

**Mail Stop AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## **INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicants bring to the attention of the Examiner the documents on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Office Action, a Notice of Allowance, or an action that otherwise closes prosecution. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of

**\$180.00 as specified by Section 1.17(p).**

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180.00 op

A copy of the listed U.S. patent is not enclosed. A copy of the listed non-patent literature document is enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicants determine that the cited document does not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

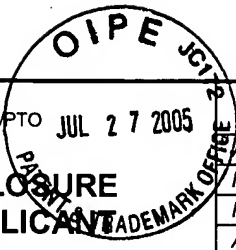
If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 27, 2005

By: *Danielle Pasqualone*  
Danielle M. Pasqualone  
Reg. No. 43,847



IDS Form PTO/SB/08: Substitute for form 1449A/PTO

JUL 27 2005

Complete if Known

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

1

Application Number	10/802,429
Filing Date	March 15, 2004
First Named Inventor	Atsuo ITO
Art Unit	1616
Examiner Name	Frank I. CHOI
Attorney Docket Number	04853.0081-01000

**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-6,090,732	07-18-2000	Ito et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

**Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.****FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		Ito et al., Zinc-releasing calcium phosphate ceramics stimulating bone formation. <i>Bioceramics</i> , Vol. 12, from <u>Proceedings of the 12<sup>th</sup> International Symposium on Ceramics in Medicine, Nara, Japan, October 1999</u> , eds. H. Ohgushi et al., pp. 567-570.	

Examiner  
SignatureDate  
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.